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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

In re I.Z., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

I.Z.,

Defendant and Appellant.

A145152

(Contra Costa County  
Super. Ct. No. J1300631)

Appellant I.Z. appeals from an order finding him in violation of the terms of his probation and from a dispositional order committing him to the Youth Offender Treatment Program (YOTP) at the Contra Costa Juvenile Hall. Appellant's appointed appellate counsel filed a brief asking this court to conduct an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436. Counsel informed appellant of his right to file a supplemental brief, but appellant did not avail himself of that right. We have reviewed the record, and find no issues that require briefing. As explained below, we affirm the finding of a probation violation, but dismiss the appeal as moot with respect to the YOTP commitment, that disposition having been superseded by a later dispositional order of August 15, 2016, which we address in a separate appeal (No. A146272).

## **I. BACKGROUND**

By a petition under section 602 of the Welfare and Institutions Code<sup>1</sup> in May 2013, appellant was charged with two counts of residential burglary, respectively first and second degree. Pursuant to a negotiated disposition, he admitted the second degree burglary charge, and the first degree burglary charge was dismissed. He was declared a ward of the court on June 11, 2013, given probation and placed in the Orin Allen Youth Reformation Program, the Contra Costa ranch program for juvenile wards.

In April 2014, a second section 602 petition against appellant was filed, this time charging him with second degree robbery and assault by means of force likely to produce great bodily injury. After both counts were sustained, appellant was given another out-of-home placement and committed to the Rites of Passage program in July 2014. In August 2014, a violation of probation petition was filed, alleging appellant left the Rites of Passage program without permission and violated its rules of conduct. In November 2014, appellant admitted as true the allegations in an amended petition. Appellant was given another out-of-home placement, in the Courage to Change program (Courage to Change), and advised that would be his last chance at such a program.

Another violation of probation petition was filed in January 2015 alleging that appellant had assaulted another minor at Courage to Change and had been found in possession of stolen documents. Evidence adduced at a contested hearing on February 19, 2015 included (1) testimony from another minor at Courage to Change, M.K., the alleged victim, who denied appellant struck him but admitted appellant challenged him to a fight on the evening in question, and (2) testimony from Jovito Caldera, a manager at the program who testified that M.K., who was found with a cut lip shortly after the confrontation with appellant, told him appellant had punched him in the mouth. In addition, two other Courage to Change employees, Ignacio Torres and Joseph Sosa, testified that stolen “paperwork,” including reports on the recent assault incident involving M.K., were found in appellant’s possession.

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<sup>1</sup> All unspecified statutory references are to the Welfare and Institutions Code.

Fighting and theft of documents violated the program rules at Courage to Change, and breaking program rules was a violation of the terms of appellant's probation. Even though M.K. denied having been struck by appellant, the court found that appellant assaulted him. While the court acknowledged the testimony by M.K. was "all over the map," the "fact that Mr. Calderas [*sic*] saw him with a split lip . . . would indicate that an assault happened." The court also found that appellant's possession of the stolen "paperwork" went beyond merely being suspicious, because appellant gave three different explanations for why he had possession of the documents. The court believed the third explanation—that appellant had the papers "so he could know what the snitch had said about him"—demonstrated that appellant knew the content of the documents and took them intentionally. Accordingly, the court sustained the alleged probation violation.

At a dispositional hearing in March 2015 the court committed appellant to the Bar-O Boys Ranch, noting that its placement decision was "a close call between Bar-O and YOTP." That placement failed, however, when the Bar-O Boys Ranch refused to accept appellant. The probation department then filed a section 778 petition seeking to modify the March 2015 disposition, which the court granted on April 8, 2015, committing appellant to the YOTP.

Appellant filed a timely notice of appeal, specifying as the subject of his appeal (1) the order of February 19, 2015 sustaining the allegations of a probation violation and (2) the April 8, 2015 dispositional order.

## **II. DISCUSSION**

Upon our independent review of the record, we find no issues that warrant further briefing. We conclude that substantial evidence supports the finding of a probation violation and, with respect to the challenged dispositional order, the appeal is moot, having been superseded by a later dispositional order in these proceedings (the subject of another appeal by appellant, No. A146272, which we have resolved separately).

## **III. DISPOSITION**

The juvenile court's February 19, 2015 probation violation findings are affirmed, and with respect to the April 8, 2015 dispositional order, the appeal is dismissed as moot

in light of our resolution of appeal No. A146272.

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Streeter, J.

We concur:

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Reardon, Acting P.J.

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Rivera, J.

A145152/*In re I.Z.*